

REMARKS

Claims 1-15 are currently pending in the application. Claims 5, 10 and 15 are canceled. Claims 1, 6 and 11 are newly amended. Support for these amendments is found throughout the specification and the claims as originally filed. No new matter has been entered.

Priority

The Office Action notes that Applicant has not filed certified copies of the EP0 96870021.1 and 96870102.9 applications. Please find attached to this response certified copies of the EP0 96870021.1 and 96870102.9 applications.

Objections

The office action requires the updating of the status of the related applications disclosed in claim in the first sentence of the application. Accordingly, this response contains an amendment to the first sentence of the application, specifying that Application No. 09/938,703, filed August 24, 2001, is now U.S. Patent No. 6,930,174, issued August 16, 2005, and that Application No. 08/833,752, filed April 9, 1997, now U.S. Patent No. 6,448,375, issued September 10, 2002.

The Office Action states that the heading "Brief Description of the Drawings" should be used in place of "BRIEF DESCRIPTION OF THE FIGURES", that "Figure 1" should be described as Figures 1a-1e, Figure 2 as Figures 2a-2b, Figure 4 as Figures 4a-4b, Figure 6 as Figures 6a-6b, and Figure 7 as Figures 7a-7b. Accordingly, this response contains the suggested amendments to the heading "BRIEF DESCRIPTION OF THE FIGURES", and also contains amendments to the drawings and/or Brief description of the drawings, as appropriate

The phrase "Table KOA-3834.2 has been removed as suggested by the office action.

Claims 1 and 6 have been amended to remove the improper Markush grouping as suggested by the office action.

Withdrawal of these rejections is respectfully requested in light of the above remarks and amendments.

Drawings

Attached please find new corrected drawing as suggested by the office action. Entry of the attached amended figures 1A-1, 1A-2, 1B-1, 1B-2, 1B-3, 1D-1, 1D-2, 1D-3, 2A, 2B, 6A and 6B is respectfully requested. No new matter is added, the drawings have merely been reformatted.

Sequence Rules Compliance

The office action states that all sequences in the figures and specification must be in sequence compliance and be identified by their corresponding SEQ ID NO:. Accordingly, Applicant has amended the specification and figures in order to comply with sequence requirements.

Claim Rejections – 35 USC § 112

Claims 5, 10 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention

Specifically, the Office action states the claims are indefinite “because based on the specification (page 5) the metes and bounds of “a portion thereof” (referring to portions of glycoprotein GP120/GP160) are not clear”.

Applicant traverses the rejection. However, solely for the purposes of advancing prosecution, Applicants have canceled claims 5, 10 and 15 without prejudice to pursuing the claimed subject matter in another application, rendering the rejections moot.

Double Patenting

Claims 1-4, 6-9 and 11-14 are rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 8-11 of US Patent No. 6,800,447.

Solely for the purposes of advancing prosecution, Applicant has filed a terminal disclaimer, and accordingly respectfully requests reconsideration and withdrawal of the rejection.

Claim Rejections – 35 USC § 112

Claims 5, 10 and 15 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a method according to claims 3, 8 or 13, wherein said HIV protein is glycoprotein GP120/GP160, does not reasonably provide enablement for use of undefined portions thereof as indicators of infectivity of the cell by HIV.

Applicant traverses the rejection. However, solely for the purposes of advancing prosecution, Applicants have canceled claims 5, 10 and 15 without prejudice to pursuing the claimed subject matter in another application, rendering the rejections moot.

Conclusion

Applicants submit that in view of the foregoing remarks, all issues relevant to patentability raised in the Office Action have been addressed. Applicants respectfully request the withdrawal of rejections over the claims of the present invention.

Respectfully submitted,

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Date: February 23, 2007

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